

REMARKS

At the time of the Office Action, claims 12-19 and 22-24 were pending. Claims 12-19, 22 and 24 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 7,154,547 to Oda (hereinafter Oda) in view of U.S. Patent No. 6,825,883 to Hata (hereinafter Hata). Claim 23 stands rejected under 35 U.S.C. §103(a) as being obvious over Oda and Hata and further in view of U.S. Patent No. 6,788,338 to Dinev et al. (hereinafter Dinev).

In the present response claim 12 is amended to more particularly and distinctly recite the Applicant's apparatus. The Applicant submits that the present claim amendment is fully supported by the specification and, therefore, introduces no new matter.

As an initial matter, the Applicant takes issue with the Examiner's interpretation of Oda. In particular, the Applicant respectfully disagrees with the Examiner's contention on Page 4 of the Detailed Action that Oda discloses the Applicant's recited feature (d), that is, "an automatic focusing shutter **that outputs an automatic focusing indication signal.**" (emphasis added) The Applicant agrees with the Examiner that a shutter is implied in Oda. However, the Applicant submits that the Examiner has not properly considered or treated on the merits the functional language associated with the automatic focusing shutter.

As stated in MPEP 2143.03, "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). The automatic focusing indication signal is not an insignificant feature that is disassociated from the other recited features. Rather, the automatic focusing indication signal is one notable feature of the Applicant's digital camera since the brightness comparator compares a brightness of the digital image signal with a predetermined reference brightness and outputs a brightness comparison result ***in response to the automatic focusing indication signal.*** The Applicant has studied Oda in detail and cannot find a teaching, disclosure or suggestion of a shutter that outputs an automatic focusing indication signal. Moreover, the Applicant has studied Hata, Dinev and the other art references of record and can find no teaching, disclosure or suggestion of a shutter that outputs an automatic focusing indication signal. It is submitted that, for at least the foregoing reasons, claim 12 distinguishes over the art of record. However, if the Examiner continues to reject claim 12, the Applicant respectfully requests that the Examiner produce authority for the Applicant's feature (d) by pointing out on the record and with sufficient specificity to

support an obviousness or anticipation rejection where this feature is taught, disclosed or suggested in the art of record.

Claim 12 is amended to recite that the brightness, which is compared with a predetermined reference brightness, is a “sensed brightness” according to page 5, lines 21-29 of the present specification. In particular, claim 12 recites that the brightness comparator (recited feature (e)) is operable for “in response to the automatic focusing indication signal, recognizing a sensed brightness of the digital image signal, comparing the sensed brightness of the digital image signal with a predetermined reference brightness, and outputting a brightness comparison result.”

As previously pointed out by the Applicant, Oda discloses that “an *estimated* luminance” (emphasis added) is compared with “a preselected threshold value, thereby determining whether or not the estimated luminance value is greater than the threshold value.” (col. 12, lines 38-43 of Oda). The Examiner on Page 3 of the Detailed Action agrees with the Applicant and admits that Oda’s luminance value is estimated. Furthermore, although Hata may disclose a focus signal generator as the Office Action alleges, Hata cannot cure Oda in regard to Oda’s use of an estimated luminance and not a sensed brightness of the actual digital image signal. To this end and in view of the Examiner’s statement on Page 3 that “the claim does not exclude estimated values,” the Applicant submits that claim 12 distinguishes over Oda when taken alone or in combination with Hata (or the other cited references of record) because the art of record does not disclose, teach or suggest that a brightness comparator recognizes a sensed brightness, and compares the sensed brightness with a predetermined reference brightness. In view of the foregoing it is submitted that claim 12 and its dependent claims are allowable.

In re Appln. of Myoung-hoon Park
Application No. 10/694,587
Response to Office Action of April 15, 2008

The Applicant respectfully requests reconsideration in view of the amendments and foregoing remarks. However, if a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

Respectfully submitted,

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